

SUBJECT: Combining natural resource agencies; federal Clean Air Act compliance

COMMITTEE: Government Organization: favorable, with substitute

VOTE: 8 ayes — Gibson, Black, Finnell, Hartnett, A. Hill, Naishtat, Robnett, Smithee

0 nays —

1 absent — Stiles

SENATE VOTE: On final passage, July 19 — 28-0

WITNESSES: No public hearing

BACKGROUND: **Texas Performance Review recommendations.**

The Texas Performance Review (TPR) identified 15 Texas state agencies with responsibility for environmental and natural resource programs. The TPR team recommended that four (the Water Commission, Texas Air Control Board, Structural Pest Control Board and Water Well Drillers Board) be consolidated into a single agency: the Department of the Environment.

The TPR recommended that the new department be governed by a six-member, part-time public citizen board — the Environment Board — appointed by the governor with the consent of the Senate.

The TPR also suggested that a seven-member Natural Resources Council be established to coordinate regulation, monitoring and enforcement policy by the department and the remaining natural resource agencies. The natural resources council would include the agriculture commissioner, a member of the Railroad Commission, the commissioner of the General Land Office, the chair of the Environment Board and three full-time paid public members appointed by the governor.

Included in the department proposed by the TPR would be the following programs from other agencies: solid waste management, radiation control,

water hygiene and industrial hygiene, from the Health Department; oil spill responsibility, well plugging, surface mining and reclamation and certain environmental regulatory authority from the oil and gas regulation program, from the Railroad Commission; pesticide and herbicide regulation, from the Agriculture Department and environmental data collection, from the Water Development Board. The oversight of river authorities, water districts, water utilities and water rights would be transferred from the Water Commission to the Water Development Board.

The Low Level Radioactive Waste Disposal Authority would be transferred to the General Land Office under the TPR plan, and the Soil and Water Conservation Board would be transferred to the Department of Agriculture. The River Compact commissioners would be moved to the Water Development Board, and the Animal Health Commission would be moved to the Department of Agriculture.

The oil field theft investigative unit of the Railroad Commission and the Agriculture Department's predator management unit would be eliminated because the same services are provided by other entities, according to the TPR. The Agriculture Resources Protection Agency would be eliminated since there would be no longer a need for a pesticide regulation coordinator.

The TPR identified the following 15 agencies as involved in environmental and natural resource programs:

Texas Water Commission (TWC). The commission implements state water laws and allocates the state's waters, balancing environmental protection and economic development. The agency protects surface and groundwater quality, regulates water utility rates and surface water resources, issues water use permits, regulates water districts, and protects the health and safety of the public in some areas.

Texas Air Control Board (TACB). The TACB protects the air of the state and sets standards and emission limits for the abatement and control of air pollution. The TACB sets air quality standards, sets limits on air pollutants, requires new sources of pollution to use the best available control technology and assesses penalties for violations of TACB rules.

Texas Department of Health (TDH). The TDH oversees public health in the state and is responsible for disease protection, health facilities and services in the state. The TDH also encompasses the Bureau of Solid Waste Management, which ensures proper disposal of municipal solid waste, the bureau of Radiation Control, which licenses low level radioactive use (usually in the health field), the Water Hygiene Division, which inspects public water systems and certifies water utility operators, and the Industrial Hygiene Division, which licenses persons removing asbestos and keeps a data base on hazardous chemicals used or stored in Texas.

Water Development Board. The board plans and finances water projects to ensure an adequate supply of quality water for the state.

Low Level Radioactive Waste Authority. The authority is to locate, develop, license, construct and operate a facility for the disposal of low-level radioactive waste produced in Texas.

Department of Parks and Wildlife. The department regulates fishing, hunting and state parks, enforces game, fish and water safety laws and engages in land management and wildlife conservation.

Department of Agriculture. The department assists the state's agricultural industry including the promotion of agricultural products and the promotion and proper use of pesticides, herbicides and fertilizer.

General Land Office. The land office manages state-owned lands, aids in beach clean-up and is responsible for responding to oil spills.

Railroad Commission. The commission encourages development of the state's oil and gas industry, inspects injection wells and regulates well plugging, surface mining and reclamation and portions of the transportation industry.

Structural Pest Control Board. The board regulates the pest control industry.

Soil and Water Conservation Board. The board conserves the state's soil and water resources and assists soil and water conservation districts.

River Compacts. The five compacts participate in multi-state compacts that manage and oversee the use of river systems that Texas shares with other states and countries.

Water Well Drillers Board. The board protects groundwater quality through regulation and licensing of water well drillers.

Animal Health Commission. The commission's mission is the control and eradication of livestock and poultry disease.

Agricultural Resources Protection Authority. The authority coordinates pesticide regulation in the state.

(Another agency not listed, the **Board of Irrigators**, protects the quality of water distributed by all landscape irrigation systems.)

The TPR also recommended consolidating the various agency laboratories, requiring the Parks and Wildlife Department, the Agriculture Department and the Texas Animal Health Commission to increase fees, eliminating state funding of beach-cleanup, authorizing the TACB to finance mandated federal regulations and depositing fees in general revenue, expanding the in-kind gas program and examining the feasibility of selling the Lower Colorado River Authority.

Federal Clean Air Act (FCAA)

In November of 1990, President Bush signed into law the new Federal Clean Air Act (FCAA) amendments. The amendments include provisions regarding urban pollution, toxic air emissions, acid rain, ozone depletion, permits and enforcement.

The amendments require states to comply with federal standards or risk losing federal funds and control over their own environmental regulatory programs in a variety of areas. For example, areas that cannot submit an acceptable air quality plan for cities that cannot meet air quality goals (nonattainment areas) could face a cutoff of federal highway funds. The changes in the law will require new cleanup plans and programs across the

state, and a number of federal deadlines must be met over the next few years.

The FCAA is divided into 11 titles: nonattainment, (Title 1) mobile sources (Title 2) air toxics (Title 3) acid rain (Title 4) permits (Title 5) stratospheric ozone depletion (Title 6), enforcement (Title 7) miscellaneous provisions (Title 8) clean air research (Title 9) disadvantaged business concerns (Title 10) and clean air employment transition assistance (Title 11).

Texas will be especially affected in the areas of attaining certain specified air quality standards, the new toxic air emission control program, the new automotive and gasoline emission controls and permitting and enforcement programs.

The TACB has stated that by November 15, 1991, the Governor's Office must submit a state implementation plan for El Paso to achieve "attainment" of federal standards for particulate matter or else the state will face sanctions.

By November 15, 1992, the state must have an enhanced vehicle emissions inspection and maintenance program for motor vehicle emission controls, operating in Dallas/Fort Worth, Houston/Galveston, Beaumont/Port Arthur and El Paso. According to the TACB, statutory authorization and appropriations will be needed to comply with this deadline.

November 15, 1992, is also the deadline for the issuance of regulations on "reasonably available control technology" and stage 2 vapor recovery as well as inventories of volatile organic compound and nitrogen oxide emissions and sources in Dallas/ Fort Worth and the Beaumont/Port Arthur Area.

DIGEST:

CSSB 2 would phase-in over two years consolidation into the Water Commission of the Texas Air Control Board, parts of the Health Department, the Water Well Drillers Board and the Board of Irrigators, which would become a single agency. The bill would also conform state law to the Federal Clean Air Act amendments, create new fees, establish criminal penalties for pollution offenses and make other changes in environmental law.

Texas Natural Resources Conservation Commission

New agency. CSSB 2 would create, as of September 1, 1993, a Texas Natural Resource Conservation Commission (TNRCC) to implement the laws of the state relating to the conservation of natural resources and the protection of the environment.

The existing structure of the Water Commission would provide the foundation for the new agency. Eventually, the Texas Air Control Board, the Water Well Drillers Board, the Board of Irrigators and some sections of the Department of Health would be transferred to the TNRCC. During the transition (before September 1, 1993) the governor, with the consent of the Senate, could appoint members to serve jointly on the boards of the Air Control Board and the Water Commission.

By 1992 the following sections of the Health Department would be transferred to the Water Commission (which would become the TNRCC in 1993): treatment, storage and disposal of solid waste; protection of public water and regulation of drinking water; regulation of on-site sewage disposal systems; administration of on-site wastewater treatment research, and the disposal of certain radioactive substances.

On September 1, 1992 both the Texas Water Well Drillers Board and the Board of Irrigators would be abolished and their functions transferred to the Water Commission. Members from both of these agencies' boards would become interim members on the Water Well Drillers Advisory Council and the Texas Irrigators Advisory Council until they were reappointed or replaced by the TNRCC board.

The TNRCC board would appoint an executive director no later than November 1, 1993. The executive director would appoint, by January 1, 1994, a deputy director for air quality, a deputy director for water, a deputy director for waste management and a deputy director for administration.

The Texas Air Control Board (TACB) would be abolished on September 1, 1993 and its functions transferred to the TNRCC. The Air Control Board would become the air quality program of the TNRCC. The executive director of the TACB on August 31, 1993 would be named deputy director

for air quality. The air quality program would remain intact until 1997, and its employees could be terminated only for poor performance and unacceptable conduct.

The State Purchasing and General Services Commission could not extend the building leases of the current Water Commission and TACB without the consent of the governor, and the agency would be directed to try and find a central location for the TNRCC.

The TNRCC executive director would be required to complete a study on consolidating support functions by March 1, 1994. These functions would be combined to the extent feasible by September 1, 1994.

By September 1, 1994, the executive director would distribute a report including a detailed analysis of how other states organize regional offices for consolidated environmental agencies and recommendations concerning integration of regional offices, laboratories, enforcement policies, and legal enforcement staff. These recommendations would be implemented, when practical, no later than September 1, 1996.

By September 1, 1995, the executive director would distribute a comprehensive report about permitting procedures, as well as the costs and benefits of consolidating databases and computer systems. Recommendations from this report would be implemented no later than September 1, 1997.

Water Well Drillers. The bill would transfer the functions of the Water Well Drillers Board to the Water Commission in 1992, then to the TNRCC in 1993. The nine-member Water Well Drillers Advisory Council would be appointed by the TNRCC instead of the governor. The council members would elect a chair. Council members would be paid a per diem and transportation expenses.

The TNRCC would license drillers and require accurate well logs. Landowners with abandoned wells on their property would be required to have the wells capped if the well were not in use. A well would be considered in use if its casing, pump and pump column were in good condition.

A driller's license could be revoked if, among other reasons, well logs were not kept or if either the driller or installer had failed to inform someone that their well was a pollution hazard and needed to be capped. Failing to comply with a provisions of the Water Well Drillers Act could result in both administrative penalties of up to \$2,500 (after an opportunity for a public hearing) and civil penalties of not less than \$200 or more than \$1,000 per day of noncompliance.

Water Well Pump Installers. The bill would add a section similar to that of the water well drillers that would require annual licensing and testing of water well pump installers under the TNRCC and allow for revocation of licenses and administrative and civil penalties. Installers would also notify the TNRCC and landowners when a well that needs to be plugged or capped to avoid injury or pollution.

Board of Irrigators. The bill would transfer the Board of Irrigators to the TNRCC. An irrigators advisory council would be appointed by the TNRCC. The board would include six licensed irrigators and three members of the public, who would elect a chair. Among those exempted from the regulations would be persons who do occasional yard sprinkler work.

The board would adopt rules governing how licensed irrigators connect to public or private water supplies and establish complaint procedures. The board would issue annual certificates of registration upon payment of a fee and passage of an exam administered by the department. No one could act as an irrigator or an installer without being registered.

The bill would provide for revocation or suspension of licenses in certain cases and administrative penalties not to exceed \$1,000. The bill also provides for hearings or judicial review of the decision of the TNRCC. Falsely representing oneself to be a licensed irrigator or installer could result in a class C misdemeanor, maximum penalty of a \$500 fine.

Texas Hazardous Materials Safety Council. The Hazardous Materials Safety Council coordinates matters concerning hazardous materials in the state. The bill would reduce the council from 12 to nine members removing representatives of the Health Department, the Air Control Board,

the Water Commission and the Governor's Office and adding a representative of the TNRCC.

The remaining eight members would be: a representative from each house of the Legislature, a representative of the Railroad Commission and the Department of Public Safety and four members appointed by the governor and representing the railroad industry, the hazardous waste industry, the motor carrier industry and a member of the general public.

The bill would require the Water Commission to decide to issue or deny a permit within 180 days of the receipt of a complete application. This requirement would not apply to permits issued under federal programs unless it was allowed by that program.

Health Department changes. The bill would transfer the following sections of the Health Department to the Water Commission, which would become the TNRCC in 1993: treatment, storage and disposal of solid waste; protection of public water and regulation of drinking water; regulation of on-site sewage disposal systems; administration of on-site wastewater treatment research and disposal of certain radioactive substances.

The bill also would remove one employee of the Health Department and add two employees from the TNRCC to the On-site Wastewater Treatment Research Council. The Health Department, at the direction of the council, would implement council decisions. The council could enter into an interagency contract with the Health Department to provide support to improve the quality of wastewater treatment and reduce costs to consumers. The council could award competitive grants to support demonstration projects by governmental entities or public or private research centers.

The bill would add a subchapter K to the Health Department statutes governing radioactive materials and other sources of radiation, to give the TNRCC sole authority to regulate and issue licenses for the disposal of radioactive substances. The TNRCC and the board of health would be required to adopt a memorandum of understanding defining their respective duties under this chapter.

Miscellaneous provisions. CSSB 2 would require the TNRCC to adopt a memorandum of understanding with the Railroad Commission defining their respective enforcement duties over naturally occurring radioactive materials (NORM) that occur from the production of oil and gas. Preference would be given to the Railroad Commission for enforcement involving oil- and gas-related NORM activities.

The bill would give the TNRCC the sole authority to issue a license to operate a low-level radioactive waste disposal site. The Health Department and the TNRCC would adopt a memoranda of understanding about the licensing of these sites.

Administrative hearings on applications for permits and prehearing proceedings that had commenced before the effective date of this bill, could not be delayed or continued as a result of the changes made by the bill.

CSSB 2 also would make several changes to the waste tire recycling section of SB 1340, the omnibus recycling bill enacted during the regular session. Payment for tires could be made only for tires *collected* and shredded on or after April 1, 1992, the prohibition against charging a tire collection fee would apply only to tires collected on or after April 1, 1992, tire processors would have to be in compliance with TACB emission control rules and a Type VIII tire monofill would qualify for the waste tire recycling program.

The bill would direct the highway department to submit environmental reviews of department transportation projects, not subject to review under the National Environmental Policy Act, to the TNRCC for comment. If the TNRCC were unable to comment before the department had to submit a written report, the highway department would have to submit the reviews to the Parks and Wildlife Department.

The bill would allow a one-time transfer of up to \$425,000 from the Water Assistance Fund administered by the Water Development Board for hydrographic surveys. On the request of a political subdivision, the board could perform such a survey to determine, among other things, reservoir storage capacity, sedimentation levels, projected water supply availability and potential solutions to these problems.

Implementation of federal Clean Air Act

CSSB 2 would implement the 1990 Federal Clean Air Act (FCAA) amendments, making state statutes conform to EPA requirements.

The permitting authority of the Texas Air Control Board would be broadened to comply with federal requirements, allowing a general permit for numerous single sources or a single permit at multiple facilities located at the same site. The bill would also amend the statutes in the following areas to comply with federal law: modifications of existing facilities, permit consolidation, sampling and monitoring requirements, permit applications and preconstruction permits.

The TACB would be required to develop rules and control programs that meet FCAA requirements in establishing an international border air quality plan. The plan would have to be adequate to attain national ambient air standards except for emissions that came from across the border.

The TACB would be authorized to control air contaminants (consistent with federal law) to protect against adverse effects from acid rain, ozone depletion and climactic changes.

Small business assistance program. The TACB would be required to establish a small business stationary source technical and environmental assistance program. The program would include a seven-member compliance advisory panel made up of business owners, the public and a member of the TACB.

This program would assist small businesses to identify what they need to do to comply with the new laws and help them evaluate compliance methods. The board would be required to enter into a memoranda of understanding with the Texas Department of Commerce to coordinate assistance to small businesses applying for TACB permits.

The bill gives detailed instruction regarding the administration and enforcement of federal operating permits. A federal operating permit could be delayed no longer than eight months after an administratively complete

application had been received. Permits issued before December 1, 1991 would be subject to review at least every five years.

Clean Air Act fees. The bill would revise the application and inspection fee schedule, proposing a one-time construction permit fee of not less than \$25 and more than \$75,000. (The fees are currently not less than \$50 or more than \$50,000). The bill would require the TACB to charge a yearly operating permit fee, according to federal requirements, based on how much pollution a source emits. Those fees would go towards covering the costs of implementing the FCAA and could be adjusted for inflation.

Clean air act fees would consist of fees collected by the TACB, appropriations, and a \$2 fee collected by the Department of Public Safety for inspection stickers and would be deposited in the state Treasury to the credit of the Clean Air Fund.

FCAA criminal offenses. The bill would establish criminal offenses as directed in the FCAA amendments. These include penalties for failure to pay fees, false statements to the TACB, tampering with monitoring devices and recklessly or intentionally causing air pollution, or emitting an air contaminant that seriously endangers another's health.

The penalty for violating a permit would be 180 days in prison and/or a fine of \$1,000 to \$50,000 for an individual and a fine of \$1,000 to 100,000 for a corporation.

The penalty for intentionally failing to pay a fee would be 90 days in jail and/or up to twice the amount of the required fee and a fine of up to twice the required fee for a corporation.

The penalty for making a false statement or failing to notify or report to the TACB or tampering with a monitoring device would be a year in jail and/or a fine of \$500 to \$100,000 for an individual and a fine of \$1,000 to \$250,000 for a corporation.

The penalty for recklessly emitting air contaminant that places another person in danger of death or serious injury would be one year in jail and/or

a fine of \$1,000 to \$100,00 for an individual and a fine of \$2,500 to \$250,000 for a corporation.

The penalty for intentionally or knowingly emitting an air contaminant that would place another person in danger of death or serious injury would be up to five years in prison and/or a fine of \$1,500 to \$150,000 for an individual and a fine of \$3,000 to \$300,000 for a corporation.

The penalty for a intentionally or knowingly emitting an air contaminant *with the knowledge* another person was being placed in danger of death or serious injury would be up to 10 years in prison and/or a fine of \$2,500 to \$250,000 for an individual and a fine of \$5,000 to \$500,000 for a corporation.

The maximum punishment and fine could be doubled for anyone convicted of a second offense under this section.

The bill provides that the responsibility of a defendant in a criminal prosecution charged with intentionally harming another person is limited by the defendant's actual awareness or belief.

It would be an affirmative defense to prosecution if the person who was harmed freely consented to the hazard and gave consent to it. The attorney general would provide technical assistance to the TACB on these cases.

Vehicle emissions inspection and maintenance. CSSB 2 would establish a vehicle inspection and maintenance program and allow the TACB to assess a fee of \$10.50 for compulsory inspection of a vehicle and \$5.50 for a moped. Part of the fees would be used to pay the expense of administering the program.

A vehicle emissions inspection program would be instituted for those areas that could not meet national air quality standards.

The TACB could not, unless authorized by the Legislature, establish fuel content standards beyond EPA standards. The bill also stipulates that state emission controls could not be more stringent than federal requirements.

Automobile dealers, unless prohibited by federal guidelines, could perform emissions repairs on new vehicles or vehicles under warranty.

Miscellaneous provisions

The bill also would require the General Land Office to approve contracts entered into by a state agency for the purchase of natural gas. It authorizes providers of potable water or sewer utility service to collect a regulatory assessment from retail customers, which would be used by the Water Commission to pay the costs of regulating districts, water supply or sewer service corporations and public utilities.

The bill would take effect September 1, 1991 if it receives the necessary two-thirds vote of each house; otherwise, it would take effect December 1, 1991.

SUPPORTERS SAY:

CSSB 2 would create an efficient streamlined, umbrella environmental agency through a phased consolidation rather than allow disruption of the important work of the state's existing environmental agencies. It would be greatly preferable to base a new environmental agency on an existing structure — the Water Commission — than to start from scratch. It is particularly important that the air control board be allowed to carry out its implementation of the FCAA amendments with a minimum of disruption.

To create a "superagency" resembling the federal Environmental Protection Agency (EPA) would be a mistake. As anyone who ever tried to get information from the EPA can attest, the agency is notoriously slow at responding, years late on promulgating rules and intractably bureaucratic. This is not a promising blueprint for efficient state government. If Texas is going to consolidate environmental agencies, it should do it with care, deliberation and sufficient time for a smooth transition, which is exactly what CSSB 2 proposes.

The proposed Texas Natural Resources Conservation Commission would result in a less fragmented environmental policy, and would eventually save the state money by combining functions that are now duplicated in different agencies.

Having the governor name the agency's chief executive, as proposed by the Senate bill, would be inappropriate for a regulatory agency requiring technical expertise. The so-called "cabinet" form of government can result in wide swings in policy when a new governor takes over; this would be particularly damaging in the case of a key regulatory agency that makes environmental decisions.

Texas need not implement air standards more stringent than those required by the Federal Clean Air Act. Large industry, small businesses and car owners in Texas might all be affected by the Clean Air Act in the future. The state will need a period of time adjusting to all the changes under the new rules before it can start making its own rules.

At this point, the state lacks the resources even to implement what the federal government requires. The TACB estimates that it will have to double in size to carry out the federal mandates. The reorganization proposed by CSSB 2 gives all the agencies time to prepare for the changes.

It makes sense for the people who sell and fix the cars to have the right to perform emission repairs on them as well. It would be impractical for dealers, who often have mechanics and shops on the premises, to be required to take their cars elsewhere for emission repairs. Dealers would not sell cars that failed emission tests because they could be fined \$10,000 for doing it.

**OPPONENTS
SAY:**

Now is not the time to rush precipitously into a half-baked massive reorganization plan for environmental agencies. The various individual agencies now allow closer scrutiny of the various sources of environmental degradation, and there is no real proof that a consolidated agency would do any better.

Transferring out some functions of the Health Department would cause administrative chaos, jurisdictional problems and confusion for the public. Regulation of public drinking water, solid waste and radioactive waste all are health-related and should stay with the health department until the impact of these transfers is taken into consideration.

This bill would allow Texas to implement the provisions of the FCAA but it fails to go farther than the EPA requires. Texas has extremely serious pollution problems and should try to lead the nation in environmental regulation, instead of grudgingly meeting the minimum EPA requirements. The bill should not tie the hands of the TACB by keeping the agency from passing rules more stringent than those set down by the EPA. The agency needs as much flexibility as possible to implement the FCAA and to solve Texas' air pollution problems.

The TACB should set more stringent state emission and fuel content standards than those set by the federal government, since the state now leads the nation in toxic emissions, and allow more public notification and participation in enforcement proceedings on violations of air control permits.

It would be a step backward to allow an "affirmative defense" so that pollution violators cannot be criminally prosecuted if a person harmed by their violation "consented" to die or be harmed, as in the case of an employee who "consents" to be harmed by working in dangerous conditions. It is also unfair to require "actual awareness or actual belief" (virtually impossible to prove) to convict a polluter who has harmed someone when the comparable language in the Penal Code is "reasonable certainty".

Car dealers should not be allowed to perform emission repairs on the vehicles they sell — they would have every incentive to sell the cars as fast as possible, without proper emissions equipment.

OTHER
OPPONENTS
SAY:

This so-called "consolidation" would accomplish very little. It calls for extensive "studies" that would do little more than waste time and money, and it would stall for years the absorption the TACB into the new agency.

As the federal government pushes more and more responsibility on to the states, Texas needs to be able to respond quickly. A "superagency" modeled after the EPA would ensure that Texas might finally be able to identify and pursue more federal aid for environmental programs. Centralizing permit-granting authority would help Texas businesses obtain

permits all at the same place instead of dealing with four bureaucracies at a time.

The bill should have included an office of public counsel to represent the public in environmental matters. This bill does not address the problem the public has had in trying to find environmental officials who are accountable for their actions.

An executive director appointed by the governor would be more accountable and visible to the public. The governor is held responsible for the administration of state government and should be able to put in charge someone who will carry one a consistent executive policy.

The pesticide and herbicide section of the Texas Department of Agriculture should have been folded into the TNRCC, along with the myriad other agencies that regulate pesticides. Pesticides can be both a danger to the environment and to the public and need to be under the auspices of one regulatory agency.

CSSB 2 should have included an indoor air act provision, as in the Senate version. There is an urgent need for measurement and regulation of indoor air pollution, a serious health hazard that leads to chronic illness and reduced worker productivity.

NOTES:

CSSB 2 differs significantly from the version of SB 2 that passed the Senate. SB 2 would have created a new Texas Department of the Environment similar to the TPR recommendation. The Texas Water Commission and the TACB would have become a part of the new department on September 1, 1993.

SB 2 would have allowed the governor to name the chief executive of the new department, created an office of public counsel as a division of the agency to defend the interests of the public regarding the environment, created an office of hearings within the agency, provided for the consolidation of agency laboratories, including the transfer of the Agriculture Department's pesticide and herbicide division into the new agency, required that the adopt-a-beach program be funded by a hotel occupancy tax, contained a provision establishing standards for indoor air

quality, and would have allowed the state to establish vehicle fuel standards, unless they conflicted with federal rules.